

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY C. KEY,

Defendant.

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CASE NO. 8:08CR327

ORDER

This matter is before the Court on the Defendant's motion for a modification of his sentence (Filing No. 50).

The Defendant moves for a reduction of his sentence based on two November 1, 2007, amendments to the U.S. Sentencing Guidelines: Amendment 9, by which the Defendant references Amendment 706 that resulted in changes to the crack cocaine guidelines; and Amendment 9, which resulted in a minor change to U.S.S.G. § 4A1.2(c)(1). The Defendant's motion is moot. He was sentenced on March 16, 2009, and his Presentence Investigation Report reflects that he was sentenced under the 2008 sentencing guidelines that incorporated the 2007 amendments to the guidelines.

IT IS ORDERED:

1. The Defendant's motion for a modification of his sentence (Filing No. 50) is denied as moot; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 13th day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge